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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 10th August, 1960:—

BILL No. XXI OF 1960

A Bill further to amend the Indian Museum Act, 1910.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Museum (Amendment) Short title. Act, 1960.

2. For sub-section (1) of section 2 of the Indian Museum Act, 1910 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

“(1) The Trustees of the Indian Museum (hereinafter referred to as the Trustees) shall be—

- (a) the Governor of West Bengal, *ex officio* Chairman;
- (b) the Secretary to the Government of India in the Ministry concerned with matters relating to the Indian Museum, *ex officio*;
- (c) the Mayor of the Corporation of Calcutta, *ex officio*;
- (d) the Vice-Chancellor of the University of Calcutta, *ex officio*;
- (e) the Accountant-General, West Bengal, *ex officio*;
- (f) four persons to be nominated by the Central Government;
- (g) one person to be nominated by the Government of West Bengal;

(h) one person to be nominated by the Council of the Asiatic Society, Calcutta:

Provided that if any of the Trustees referred to in clauses (b), (c), (d) and (e) is unable to attend any meeting of the Trustees, he may, with the previous approval of the Chairman, authorise a person in writing to do so."

Amendment
of section 3.

3. In section 3 of the principal Act,—

(a) in sub-section (1), for the word "nine", the word "six" shall be substituted;

(b) in sub-section (2), for the word "six", the word "four" shall be substituted.

Amendment
of section 4.

4. In clause (e) of section 4 of the principal Act, for the words, figure, brackets and letter "any office specified in section 2, clause (a)", the words, brackets, letters and figures "any of the offices specified in clauses (a) to (e) of sub-section (1) of section 2" shall be substituted.

Omission of
section 5.

5. Section 5 of the principal Act shall be omitted.

Amendment
of section 8.

6. In section 8 of the principal Act,—

(a) in sub-section (1), after the words "consistent with this Act", the words "and the rules made thereunder" shall be inserted;

(b) in sub-section (2), for the word "rules", the word "by-laws" shall be substituted.

Substitution
of new
section for
section 9.

7. For section 9 of the principal Act, the following section shall be substituted, namely:—

Power of
Trustees to
appoint
officers and
servants.

"9. (1) Subject to the provisions of sub-section (2), the Trustees may appoint such officers and servants as they may consider necessary or proper for the care or management of the trust-property, and determine their functions.

(2) The recruitment and the conditions of service of such officers and servants shall be regulated by rules made under this Act."

Substitution
of new
sections for
section 10.

8. For section 10 of the principal Act, the following sections shall be substituted, namely:—

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"10. The Trustees shall, by such date in each financial year as may be specified by the Central Government, submit to that

Government for approval, in the form specified by that Government in consultation with the Comptroller and Auditor-General of India, the budget of the next financial year, showing the estimated receipts and expenditure during the next financial year.

10A. (1) The Trustees shall, as soon as possible after the commencement of each financial year, submit— Annual report and accounts.

(a) to the Central Government within such time or date as may be specified by the Central Government, a report giving a true and full account of their activities during the previous financial year and an account of the activities likely to be undertaken during the current financial year;

(b) to such auditor as the Central Government may appoint in this behalf, accounts of all moneys expended by the Trustees during the previous financial year, supported by the necessary vouchers.

(2) The Trustees shall cause such report and accounts to be published annually for general information.”.

9. In sub-section (1) of section 11 of the principal Act, after the words “Asiatic Society of Bengal”, the brackets and words “(now known as the Asiatic Society, Calcutta)” shall be inserted. Amendment of section 11.

10. Under the heading “SUPPLEMENTAL PROVISIONS”, before section 13 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 12A.

“12A. (1) In the discharge of their functions under this Act, the Trustees shall be bound by such directions on questions of policy as the Central Government may give to them from time to time. Power of Central Government to issue directions to Trustees.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.”.

11. In section 13 of the principal Act, the words “and, so far as regards their salaries, allowances and pensions, and their leave of absence from duty, they shall be subject to the rules which would be applicable if their service was service under the Central Government” shall be omitted. Amendment of section 13.

Insertion of
new section
15A.

Power to
make rules.

12. After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the recruitment and the conditions of service of the officers and servants of the Museum;

(b) the form and manner in which the accounts of the Museum may be maintained and the manner in which such accounts may be audited;

(c) the circumstances in which and the conditions subject to which the Trustees may assume the custody and administration of any collections referred to in section 14 and keep and preserve such collections;

(d) the conditions subject to which the Trustees may deliver possession of any property in their possession to any other person.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

existing
Trustees.

13. The persons holding office as Trustees of the Indian Museum at the commencement of this Act shall continue to hold office until the body corporate is reconstituted under the principal Act as amended by this Act and on the reconstitution of the body corporate, shall cease to hold office as such.

STATEMENT OF OBJECTS AND REASONS

The Indian Museum, Calcutta, is governed by the Indian Museum Act, 1910 (10 of 1910), and receives an annual maintenance grant from the Government of India. Subject to the availability of funds, it is proposed to step up the pace of development of the Museum and make it a full scale National Museum for the Eastern Region of India. It is also proposed to amend the Act in order to reorganise and improve the administration of the Museum and ensure conditions for its proper development on modern and scientific lines and to remove certain defects experienced in the working of the Act. Hence the Bill. The amendments proposed are:—

- (a) to change the constitution of the Board of Trustees;
- (b) to vest in the Central Government the power to issue directions to the Trustees in matters of policy;
- (c) to require the Trustees to prepare and submit to the Central Government before a prescribed date budget estimates for the next financial year; and
- (d) to provide that the recruitment and conditions of service of the officers and other employees appointed under the Act shall be regulated by rules made by the Central Government.

NEW DELHI;
The 30th July, 1960.

HUMAYUN KABIR.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 15A proposed to be inserted by clause 11 of the Bill, empowers the Central Government generally to make rules to carry out the purposes of the Bill. The particular matters in respect of which such rules may be made relate to the recruitment and the conditions of service of the officers and servants of the Museum and the form and manner in which the accounts of the Museum should be maintained and audited. These are matters of detail which should more appropriately be dealt with by rules. The delegation of powers is of a normal character.

S. N. MUKERJEE,
Secretary.

